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done him if he is considered answerable for any injury which in that state he may do to others or to society." *People* v. *Rogers,* 18 N. Y. 9, citing much English and American authority; *Kenny* v. *People,* 31 N. Y. 330; *Miller* v. *State,* 9 Okla. Cr. 55; *Com.* v. *Nazarco,* 224 Pa. 204; *State* v. *Kidwell,* 62 W. Va. 466, 13 L. R. A. (N. S.) 1024; *State* v. *Rumble,* 81 Kan. 16, 25 L. R. A. (N. S.) 376; *People* v. *Stein, supra.* The appellate court, in the principal case, relied on *Rex* v. *Meade,* [1909] 1 K. B. 895, in which it was held that defendant who killed his wife by striking her with a broomstick and with his fist in the abdomen was guilty only of manslaughter, if he were so drunk that his reason were dethroned, and he were "incapable of knowing that what he was doing was dangerous." The House of Lords, in the principal case, held that this broad proposition in *Meade's Case* "is not, and can not be supported by authority." Unfortunately the court did not see fit specifically to overrule *Meade's Case* in its particular application as well, so that it still stands in conflict with the current of authority on that point.

CRIMINAL LAW—SUICIDE—AIDING AND ABETTING.—The wife of the accused, a "bed patient," and, in the opinion of her physician, incurable, wished to die and end her misery. At her request accused mixed Paris Green and water in a cup and placed it where she could reach it. She drank, and died thereof. There was no indication that accused advised or encouraged such a course, nor aided, except as aforesaid. Upon confession in court, *held,* guilty of murder in the first degree under COMP. LAWS, 1915, § 15192. *State* v. *Roberts,* (Mich., 1920) 178 N. W. 690.

The statute referred to reads, "All murder which shall be perpetrated by means of poison, or lying in wait, or any other kind of wilful, deliberate and premeditated killing, or shall be committed in the perpetration, or attempt to perpetrate any arson, rape, robbery or burglary, shall be deemed murder of the first degree, and shall be punished by solitary confinement at hard labor, in the state prison for life." The law in our states is unsettled as to the legal status of the act of suicide and the criminal liability of one who assists or encourages the self destruction. In Massachusetts it is doubted if suicide itself is a felony. *Com.* v. *Mink,* 123 Mass. 429. But as it is an act *malum in se,* one who aids, encourages or advises it is guilty of murder, *Com.* v. *Bowen,* 13 Mass. 356, or manslaughter, *Com.* v. *Mink, supra.* By specific statute in New York any one who "wilfully in any manner, advises, encourages, abets or assists another person in taking the latter's life," is guilty of manslaughter. See *People* v. *Kent,* 41 Misc. 191. In *Com.* v. *Hicks,* 118 Ky. 637, it is stated as the law that suicide is a felony in Kentucky and an accessory before the fact to a suicide is guilty of murder as principal in the second degree. In Illinois suicide is not a crime. *Royal Circle* v. *Achterrath,* 204 Ill. 549. But one who aids, encourages, or induces another to kill himself makes the suicide his agent, becomes responsible for his act, and is thus guilty of murder. *Burnett* v. *People,* 204 Ill. 208. But under the common law that responsibility could only be for solicitation, and punishable as such, *Rex* v. *Higgins,* 2 East 5, (1801); or that of an accessory, dispunishable in case of suicide, *Com.* v. *Phillips,* 16 Mass. 422; or that of a principal in the second

degree if present, aiding and abetting. RUSSEL ON CRIMES, [9th Ed.] 58. In the leading case of *Blackburn* v. *State*, 23 Ohio St. 146, largely relied upon in the principal case, it was held that one who furnishes the poison with the intent that another shall commit suicide with it, "administers" it in the statutory sense, and is guilty of murder, although suicide is not a crime in Ohio. The evidence was strong, however, that the woman was forced by accused to take the poison, which was not true in the principal case. It has been doubted if the doctrine of *Burnett* v. *People, supra,* could be stretched to cover just such a case as the principal one. 17 HARV. L. REV. 331. Certainly in the result, if not in the doctrine stated, the Michigan case is more extreme than any above noted. The Texas court is *contra* with the clear cut holding that as suicide is not a crime, one who furnishes the means, or encourages the act, is guilty of no crime. *Grace* v. *State*, 69 S. W. 529; *Saunders* v. *State*, 54 Tex. Crim. Rep. 101.

EASEMENTS—NON-USER NOT ABANDONMENT.—Predecessors in title of plaintiff conveyed property to the predecessors of defendant railway, reserving a right of way across it to grantor's land. For fifteen years the dominant estate was used in connection with a mill, which burned down in 1900, since when land had been used as a depositing place for gravel, and most of the time a different crossing had been used. Since about 1905, the servient owners kept the crossing blocked with cars, and in 1914 built a platform across it. After complaints from plaintiff, the servient owners agreed to arrange the matter, but failed to do so, continuing the obstruction until the present action to enjoin defendant from obstructing the way, defendant claiming that there was an abandonment of the easement. *Held,* the easement was not abandoned, but due to laches of the plaintiff, he is entitled merely to damages, but not an injunction. *McMorran Milling Co.* v. *Pere Marquette Ry. Co.* (Mich., 1920) 178 N. W. 274.

It was decided in *Day* v. *Walden*, 46 Mich. 575, that an easement established by grant cannot be extinguished by any period of non-user. But some doubt seems to be cast on the rule in *Jones* v. *Van Bochove*, 103 Mich. 98, by an intimation that a prescriptive easement may be lost by mere non-user for the prescriptive period, and that there should be no difference between an easement lying in grant and one gained by prescription. The latter statement is certainly logical. But as to extinguishment of a prescriptive easement, the better doctrine seems to be that non-user for the prescriptive period is merely evidence of an abandonment. *Pratt* v. *Sweetser*, 68 Me. 344; see WASHBURN, EASEMENTS, [4th ed.] p. 720. The principal case clears any doubts about the rule as to easements lying in grant by announcing the correct rule that mere non-user, for however long continued, cannot extinguish an easement lying in grant. *Lathrop* v. *Elsner*, 93 Mich. 599; *Arnold* v. *Stevens*, 24 Pick. 106; *Hughes* v. *Galusha Stove Co.*, 118 N. Y. S. 109; *Harris* v. *Curtis*, 124 N. Y. S. 263. But non-user of a way, even one lying in grant, for no matter how short a time, if accompanied by intention to abandon, extinguishes the easement. *Regina* v. *Chorley*, 12 Q. B. 515; *Crain* v. *Fox*, 16 Barb. 185. Whether there is intent to abandon depends upon the facts of each case, and